

10/26/02

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PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. MBX 035 DIV  
First Inventor Simon F. Williams  
Title MEDICAL DEVICES AND APPLICATIONS OF POLYHYDROXYALKANOATE POLYMERS  
Express Mail Label No. EL 639 985 126 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 66]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Pages 3]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: Check for \$370.00

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No 09, 535,146

Prior application information.

Examiner Szekely, P.

Group 1 Art Unit.

1714

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion of the disclosure is omitted from the submitted application parts.

## 18. PATENT OFFICE ADDRESS

☒ Customer Number or Bar Code Label

23579

or ☒

Correspondence address below

Name	Patrea L. Pabst Holland & Knight LLP				
Address	2000 One Atlantic Center 1201 West Peachtree Street				
City	Atlanta	State	GA	Zip Code	30309-3400
Country	United States	Telephone	404-817-8473	Fax	404-817-8588

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31,284
Signature		Date	2/26/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 487.00)

## Complete if Known

Application Number	Divisional of 09/535,146
Filing Date	February 26, 2002
First Named Inventor	Simon F. Williams
Examiner Name	
Group Art Unit	
Attorney Docket No.	MBX 035 DIV

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-1868

Deposit  
Account  
Name

Holland &amp; Knight LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 \$ 117

- ☒ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☒ Payment Enclosed: \$ 370  
☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355		Utility filing fee	370.00
106 320	206 160		Design filing fee	
107 490	207 245		Plant filing fee	
108 710	208 355		Reissue filing fee	
114 150	214 75		Provisional filing fee	

SUBTOTAL (1) (\$ 370.00)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
33 -20 = 13		9.00	117.00
Independent Claims 2 -3 = 0			
Multiple Dependent			

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 9		Claims in excess of 20
102 80	202 40		Independent claims in excess of 3
104 270	204 135		Multiple dependent claim, if not paid
109 80	209 40		** Reissue independent claims over original patent
110 18	210 9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 117.00)

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65		Surcharge - late filing fee or oath	
127 50	227 25		Surcharge - late provisional filing fee or cover sheet	
139 130	139 130		Non-English specification	
147 2,520	147 2,520		For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*		Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*		Requesting publication of SIR after Examiner action	
115 110	215 55		Extension for reply within first month	
116 390	216 195		Extension for reply within second month	
117 890	217 445		Extension for reply within third month	
118 1,390	218 695		Extension for reply within fourth month	
128 1,890	228 945		Extension for reply within fifth month	
119 310	219 155		Notice of Appeal	
120 310	220 155		Filing a brief in support of an appeal	
121 270	221 135		Request for oral hearing	
138 1,510	138 1,510		Petition to institute a public use proceeding	
140 110	240 55		Petition to revive - unavoidable	
141 1,240	241 620		Petition to revive - unintentional	
142 1,240	242 620		Utility issue fee (or reissue)	
143 440	243 220		Design issue fee	
144 600	244 300		Plant issue fee	
122 130	122 130		Petitions to the Commissioner	
123 50	123 50		Petitions related to provisional applications	
126 240	126 240		Submission of Information Disclosure Stmt	
581 40	581 40		Recording each patent assignment per property (times number of properties)	
146 710	246 355		Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355		For each additional invention to be examined (37 CFR § 1.129(b))	
179	279 355		Request for Continued Examination (RCE)	
169 900	169 900		Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type)

Patrea L. Pabst

Registration No.  
(Attorney/Agent)

31,284

Complete (if applicable)

Telephone

404-817-8473

Signature

Date

2/26/2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Simon F. Williams, David P. Martin, and Frank A. Skraly

Serial No.: Divisional of 09/535,146

Express Mail Label  
No. EL 639 985 126 US

Filed: February 26, 2002

Date of Deposit: February 26, 2002

For: MEDICAL DEVICES AND APPLICATIONS OF  
POLYHYDROXYALKANOATE POLYMERS

Box Patent Application  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

REQUEST FOR FILING A DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Medical Devices and Applications of Polyhydroxyalkanoate Polymers*". This application is a divisional of pending prior application Serial No. 09/535,146, filed March 24, 2000, entitled "*Medical Devices and Application of Polyhydroxyalkanoate Polymers*", by Simon F. Williams, David P. Martin, and Frank A. Skraly, which claims priority to U.S. Provisional Application Serial No. 60/142,238 filed July 2, 1999, and to U.S. Provisional Application Serial

Divisional of U.S.S.N. 09/535,146  
Filed: February 26, 2002  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 639 985 126 US  
Date of Deposit: February 26, 2002

No. 60/126,180 filed March 25, 1999. The application includes 1 page of abstract, 60 pages of specification, 5 pages of claims, 3 sheets of formal drawings, and a copy of the executed Declaration for Patent Application from prior application Serial No. 09/535,146.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 09/535,146, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/535,146.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please preliminarily amend the application in accordance with the Preliminary Amendment.

Also enclosed from prior application Serial No. 09/535,146 are copies of the (a) executed Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers by Metabolix, Inc.; and (b) executed Statement Under 37 C.F.R. § 3.73(b) by Metabolix, Inc., with attached copy of the recorded Assignment from Simon F. Williams, David P. Martin, and Frank A. Skraly to Metabolix, Inc.

Divisional of U.S.S.N. 09/535,146  
Filed: February 26, 2002  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 639 985 126 US  
Date of Deposit: February 26, 2002

This application is entitled to claim small entity status pursuant to 37 C.F.R.

§ 1.27.

Enclosed is a check in the amount of \$370.00 to cover the filing fee for a small entity. The application includes 2 independent claims and a total of 33 claims upon entry of the enclosed Preliminary Amendment. The Commissioner is authorized to charge the excess claim fees to Deposit Account No. 50-1868.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868.

To facilitate this process, applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

All correspondence concerning this application should be mailed to:


Patrea L. Pabst, Esq.  
HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, GA 30309-3400

This application is being filed on February 26, 2002, by mailing the application to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231 via the United States Postal Service "Express Mail Post

Divisional of U.S.S.N. 09/535,146  
Filed: February 26, 2002  
**REQUEST FOR FILING A DIVISIONAL  
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Date of Deposit: February 26, 2002

Office to Addressee" Service under 37 C.F.R. § 1.10. The Express Mail Label  
number appears in the heading of this paper which is attached to the application  
papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,

  
\_\_\_\_\_  
Patrea L. Pabst  
Reg. No. 31,284

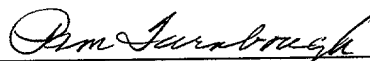
Date: February 26, 2002

HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, Georgia 30309-3400  
(404) 817-8473 (Telephone)  
(404) 817-8588 (Fax)

Divisional of U.S.S.N. 09/535,146  
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Date of Deposit: February 26, 2002

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, February 26, 2002, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 639 985 126 US, addressed to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231.



Pam Turnbough

Date: February 26, 2002

ATL1 #498865 v1